IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3433 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAYA PRADIP GHOSH & 4 - Petitioner(s)

Versus

SURAT MUNICIPAL CORPORATION & 1 - Respondent(s)

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Appearance :
NOTICE UNSERVED for Petitioner(s) : 1,3 - 4.(MR PB MAJMUDAR) for Petitioner(s) : 1 - 5.NOTICE SERVED for Petitioner(s) : 2, 5,
MR PRASHANT G DESAI for Respondent(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 2,
NOTICE SERVED for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/10/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, respective petitioners have prayed for

appropriate writ, direction and/or order directing the respondents not to evict the petitioners from the cabins situated in the City of Surat at Ring Road in Ward No.14.

2. In the alternative, it is also prayed to direct the respondents not to remove the cabins of the petitioners from the aforesaid place without following the proper procedure of law and in the alternative to direct the respondents to provide alternative accommodation to the petitioners. It is not in dispute and it appears from the pleadings that all the petitioners had put up the cabins on the municipal land, which is on the public road in Ward No.14 of Surat city. The petitioners have no legal right to occupy the municipal land and or to put up the cabins on the municipal land, more particularly which is on the road. Therefore, the prayer of the petitioners directing the respondents not to remove the cabins of the petitioners in absence of any right in their favour, cannot be granted. However, it is directed that if, the petitioners are still there in that place before actual removing them, the respondent – Corporation will issue notice granting them reasonable time before actual removing the same and except that, no other procedure is required to be followed.

3.With the above observations and directions, the present petition is dismissed. Rule is discharged. Interim relief granted earlier stands vacated forthwith. However, no order as to costs.

(M.R.SHAH,J)

Shekhar/-